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Translation

ATENT COOPERATION TREATY

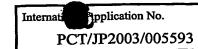
PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

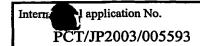
Applicant's or agent's file reference 142413-999	FOR FURTHER AC		cation of Transmittal of International Examination Report (Form PCT/IPEA/416)
International application No.	International filing date		Priority date (day/month/year)
PCT/JP2003/005593	01 May 2003	(01.05.2003)	01 May 2002 (01.05.2002)
International Patent Classification (IPC) or national classification and IPC C07D 215/22, 417/12, A61K 31/47, 31/4709, 31/5377, A61P 19/02, 19/10, 29/00, 35/00, 35/04, 43/00			
Applicant	KIRIN BEER KAB	USHIKI KAISHA	
 This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 			
2. This REPORT consists of a total of	sheets,	including this cover s	heet.
This report is also accompaniamended and are the basis for 70.16 and Section 607 of the	r this report and/or sheet	ts containing rectifica	on, claims and/or drawings which have been tions made before this Authority (see Rule
These annexes consist of a to	otal ofs	sheets.	
3. This report contains indications rela	ins indications relating to the following items:		
I Basis of the report			
П Priority			
III Non-establishment	III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability		
	IV Lack of unity of invention		
V Reasoned statement citations and explan	V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
VI Certain documents	cited		
VII Certain defects in the	VII Certain defects in the international application		
VIII Certain observation	s on the international ap	plication	
Date of submission of the demand		Date of completion	of this report
26 September 2003 (26.09.2003)		30	March 2004 (30.03.2004)
Name and mailing address of the IPBA/JP		Authorized officer	
Facsimile No.		Telephone No.	





I. Basis of the report				
1. With	regard to	the elements of the international application:*	-	
\boxtimes	the inte	rnational application as originally filed		
	the desc	cription:		
	pages	, as originally file		
	pages	, filed with the deman	ıd	
	pages	, filed with the letter of	-	
	the clai	ims:	ł	
	pages	, as originally file		
	pages	, as amended (together with any statement under Article 1	9	
	pages	, filed with the demar	10	
	pages	, filed with the letter of	-	
	the dra	wings:		
	pages	, as originally fil		
	pages	, filed with the deman	na	
	pages	, filed with the letter of	-	
	the seque	ence listing part of the description:	1	
	pages	, as originally fil	led	
	pages	, filed with the demand	nd	
	pages	, filed with the letter of	-	
the The	With regard to the language, all the elements marked above were available or furnished to this Authority in the language in where the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language which the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). The language of publication of the international application (under Rule 48.3(b)). The language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 are or 55.3). With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing: Contained in the international application in written form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form.			
	furnis	shed subsequently to this Authority in computer readable form.		
	intern	statement that the subsequently furnished written sequence listing does not go beyond the disclosure in national application as filed has been furnished.		
		statement that the information recorded in computer readable form is identical to the written sequence listing furnished.	has	
4	This r	the description, pages the claims, Nos the drawings, sheets/fig report has been established as if (some of) the amendments had not been made, since they have been considered to ad the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).** It sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred ort as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.2).	d to	
an	d 70.17).	ement sheet containing such amendments must be referred to under item 1 and annexed to this report.		





III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability				
1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:				
	the entire international application.			
\boxtimes	claims Nos91, 92			
becaus	e:			
\boxtimes	the said international application, or the said claims Nos			
S	ee supplemental sheet			
	the description, claims or drawings (indicate particular elements below) or said claims Nosare so unclear that no meaningful opinion could be formed (specify):			
	the claims, or said claims Nos are so inadequately supported			
	the claims, or said claims Nos are so inadequately supported by the description that no meaningful opinion could be formed.			
\boxtimes	no international search report has been established for said claims Nos. 91, 92			
2. A mea	aningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid not listing to comply with the standard provided for in Annex C of the Administrative Instructions:			
seque	the written form has not been furnished or does not comply with the standard.			
	the computer readable form has not been furnished or does not comply with the standard.			

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III. 1.

Claims 91 and 92 pertain to methods for treatment of the human body by surgery or therapy, and thus relate to subject matter which does not require international preliminary examination by this International Preliminary Examining Authority.

	v.	Reasoned statement under Article 35(2) with regard t	novelty, inventive step	r industrial applicability;
ı		citations and explanations supporting such statement	•	

 citations and explanations supporting such statement			
Statement			
Novelty (N)	Claims	7. 13-15, 17-85	YES
	Claims	1-6, 8-12, 16, 86-90	NO _
Inventive step (IS)	Claims		YES
	Claims	1-90	NO
Industrial applicability (IA)	Claims	1-90	YES
	Claims		NO ·

2. Citations and explanations

Documents

- 1. EP 860433 A1 (Kirin Beer KK), 26 August 1998
- 2. EP 1153920 A1 (Kirin Beer KK), 14 November 2001
- 3. WO 02/32872 Al (Eisai Co., Ltd.), 25 April 2002

Explanations

Claims 1-6, 8-12, 16 and 86-90

The inventions set forth in claims 1-6, 8-12, 16 and 86-90 are not novel and do not involve an inventive step in the light of document 1, cited in the international search report.

Document 1 discloses a compound represented by formula (I) presented in claim 1 in the present application in which X is CH, Z is O, R^1 , R^4 and R^5-R^{11} are hydrogen atoms, R^2 and R^3 are methoxy, R^{12} is methyl and R^{13} is naphthyl (compound no. 231).

The inventions set forth in claims 1-6, 8-12, 16 and 86-90 also do not involve an inventive step in the light of documents 1-3, cited in the international search report.

Documents 1-3 disclose sets of compounds which include compounds represented by formula (I) presented in claim 1 in the present application and are efficacious for the treatment of tumours and tumour metastasis and disorders such as rheumatoid arthritis. Therefore, given the disclosures in these documents in the examples, etc., a person skilled in the art could easily conceive of attempting to actually prepare compounds included in the aforementioned sets of compounds and confirm their pharmacological effects.

Claims 7, 13-15 and 17-85

The inventions set forth in claims 7, 13-15 and 17-85 are not disclosed in any of the documents cited in the international search report, and are novel; however, they do not involve an inventive step in the light of documents 1-3, cited in the international search report.

Documents 1-3 disclose sets of compounds which include compounds described in claims 7, 13-15 and 17-85 in the present application and are efficacious for the treatment of tumours and tumour metastasis and disorders such as rheumatoid arthritis. Therefore, given the disclosures in these documents in the examples, etc., a person skilled in the art could easily conceive of attempting to actually prepare compounds included in the aforementioned sets of compounds and confirm their pharmacological effects.

VI. Certain documents cited 1. Certain published documents (Rule 70.10) Application No. Publication date Filing date Priority date (valid claim) Patent No. (day/month/year) (day/month/year) (day/month/year) WO 03/033472 A1 24 April 2003 (24.04.2003) 17 October 2002 (17.10.2002) 17 October 2001 (17.10.2001) [EX] 2. Non-written disclosures (Rule 70.9) Date of written disclosure Kind of non-written disclosure Date of non-written disclosure referring to non-written disclosure (day/month/year) (day/month/year)